



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WAGGONER CARR
ATTORNEY GENERAL

September 28, 1964

Honorable Jules Damiani, Jr.
Criminal District Attorney
Galveston County
Galveston, Texas

Opinion No. C-318

Re: Whether Galveston County
is authorized to pay for
gasoline used by its
Sheriff in privately
owned motor boats that
are used in the performance
of his official duties.

Dear Mr. Damiani:

You have requested an opinion on whether Galveston County is authorized to pay for gasoline used by its Sheriff in privately owned motor boats that are used in the performance of his official duties.

Subdivision (b) of Article 3899, Vernon's Civil Statutes, recites:

"Each officer named in this Act, where he receives a salary as compensation for his services, shall be entitled and permitted to purchase or charge to his county all reasonable expenses necessary in the proper and legal conduct of his office, . . ." (Emphasis added).

Subdivision (a) of Section 15 of Article 1722a, Vernon's Penal Code, (The Water Safety Act), vests the power and authority to enforce the provisions of said Article upon "All peace officers of this State, and its political subdivisions."

The very nature of Article 1722a, Vernon's Penal Code, requires said peace officers to use self-propelled boats in performing their duties of enforcement.

The gasoline used by the Sheriff in the performance of these duties would constitute "reasonable expenses necessary in the proper and legal conduct of his office." (Emphasis added). Therefore, under the provisions of subdivision (b) of Article 3899, supra, Galveston County is authorized to pay for gasoline used by its Sheriff in privately owned motor boats that are used in the performance of his official duties. However, the method of computation of such expenses allowed

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would be for the Commissioners Court to determine in their sound discretion. Attorney General's Opinion No. 0-3670 (1941).

SUMMARY

Galveston County is authorized to pay under the provisions of subdivision (b) of Article 3899, Vernon's Civil Statutes, for gasoline used by its Sheriff in privately owned motor boats that are used in the performance of his official duties.

Yours very truly,

WAGGONER CARR
Attorney General

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